

Remarks

This Response is provided in response to a non-final Office Action mailed April 2, 2004. The Office Action acknowledged Applicant's response to the restriction requirement mailed September 30, 2003, upon which claims 1-6 and 58-61 had been withdrawn. However, Applicant is required to cancel these withdrawn claims in this response.

The Office Action rejected claims 7-57 and 62-72 under 35 U.S.C. §103(a) as being unpatentable over prior art.

The Applicant has provided amendments to claims 7, 8, 9, 13, 14, 15, 20, 22, 25, 32, 34, 35, 39, 40, 41, 42, 43, 44, 46, 47, 50, 53, 54, and 56, and to the abstract. The amendments independent claims 7, 13, 39, and 46 have been made by the Applicant to more clearly point out and distinctly claim the subject matter which the Applicant regards as his invention, by providing clarity to that which was inherently implicit by the term address space map of a system through the inclusion of the clarifying word topological to the term. The amendments to claims 7, 13, 39, and 46 have not been made by the Applicant in response to a prior art based rejection.

The amendments to claims 8, 9, 14, 15, 20, 22, 25, 32, 34, 35, 40, 41, 42, 43, 44, 46, 50, 53, 54, and 56 have been made to maintain consistency in terms with their respective base independent claims. The amendments to the abstract have been made to obviate the objection to the abstract made by the Examiner.

Support for the hereinabove amendments may be found by referring to FIG. 2B and the discussion of same on page 15, beginning at line 17 and continuing through line 2 of page 18.

The hereinabove amendments leave unchanged the named inventors, as filed, as joint inventors of the pending claims, and the Examiner's presumption that the subject matter of the various claims was commonly owned at the time the inventions covered therein were made is a correct presumption.

The hereinabove amendments are believed to be proper, do not introduce new matter, and further serve to place the application in proper condition for reconsideration and allowance.

Rejection of Claims Under 35 U.S.C. §103(a)

The Office Action rejected claims 7-57 and 62-72 under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 6,178,235 issued to Rene Petersen et al., January 23, 2001 (Petersen '235) in view of United States Patent No. 6,584,093 issued to Hussein Farouk Salama et al., June 24, 2003 (Salama '093). This rejection is respectfully traversed.

Independent Claim 7

The Applicant concurs with the Examiner that Petersen '235 fails to teach or show “A method for modifying routing using a topological address space map of a system...” Additionally, Petersen '235 fails to teach or show “correlating the plurality of message entry points with their associated message source address ranges to develop the topological address space map of the system.” However, the Examiner points to col. 5, lines 8-15, of Petersen '235, as satisfying this limitation of Applicant's claim 7. What Petersen '235 teaches at col. 5, lines 8-15 is: “The traffic analyzer 14 calculates the difference between the amount of incoming and outgoing traffic distributed for each route bundle (or individual route). When a calculated difference exceeds a threshold, the traffic is redistributed. The traffic analyzer 14 sends a new traffic distribution frame message to the router 18 which then adjusts the distribution of outgoing traffic amongst route bundles RBA2, RBB2, and RBC2 using conventional routing techniques.” There is no teaching or showing that Petersen '235 correlates the plurality of message entry points with their associated message source address ranges to develop the topological address space map of the system. The load balancing of a router is not the development of a topological address space map of the system obtained through the correlation of the plurality of message entry points with their associated message source address ranges.

Although Petersen '235 teaches “using the monitored and computed data to implement a modified routing data in a router,” Petersen '235 fails to teach or show the Applicant's claim limitation of using the topological address space map to implement modified routing.

Further, Salama '093 fails to cure the deficiencies of Petersen '235, because Salama '093 fails to teach or suggest either, the development of a topological address space map of

the system obtained through the correlation of the plurality of message entry points with their associated message source address ranges, or a method for modifying routing using a topological address space map of a system.

Accordingly, reconsideration and withdrawal of the rejection of claim 7 is respectfully requested, as well as reconsideration and withdrawal of the rejections to claims 8-12, depending therefrom.

Independent Claims 13, 39, and 46

Because of the similarity in the subject matter and limitations of independent claims 13, 39 and 46, to the subject matter of independent claim 7, the arguments for the patentability of independent claim 7 apply equally well to independent claims 13, 39 and 46.

Accordingly, reconsideration and withdrawal of the rejections of claims 13, 39 and 46 is respectfully requested, as well as reconsideration and withdrawal of the rejections to claims 14-38 depending from independent claim 13, claims 40-45 depending from independent claim 39, and claims 47-57 depending from independent claim 46.

Independent Claim 62

Because Petersen '235 alone, Salama '093 alone, or Petersen '235 in combination with Salama '093, fail to teach or show either the claim limitation of "a plurality of points of presence on the backbone, wherein each point of presence collects traffic data and sends the traffic data to a network operations center," or the claim limitation of "a network operations center coupled to the backbone for receiving the traffic data, analyzing the traffic data, and automatically modifying the routing policy of the system based upon the analyzed data" of Applicant's independent claim 62, the Examiner fails to provide a *prima facie* showing of unpatentability of independent claim 62 under 35 U.S.C. §103(a).

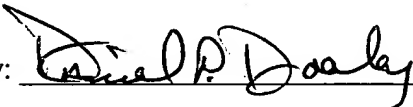
Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 62, as well as reconsideration and withdrawal of the rejections to claims 63-72 depending therefrom.

Conclusion

The Applicant respectfully requests reconsideration and allowance of all of the claims pending in the application. This Response is intended to be a complete response to the Office Action mailed April 2, 2004.

Should any questions arise concerning this response, the Examiner is invited to contact the below listed Attorneys.

Respectfully submitted,

By: 

Daniel P. Dooley
USPTO Reg. No. 46,369
R. Alan Weeks
USPTO Reg. No.: 36,050
321 South Boston Ave., Suite 800
Tulsa, OK 74103-3318
Telephone No.: (918) 599-0621
Facsimile No.: (918) 583-9659
Customer No.: 22206